

Appl No.: 10/572198

Response dated: June 26, 2008

Office Action dated: May 6, 2008

REMARKS/ARGUMENTS

Claims 1-19 remain in this application. New claim 20 has been added. Support for new claim 20 can be found, for example, in FIG. 3 (showing that “insulating tube 4” does not contact “tubular insulator 8.”).

1. § 103 Rejections

The Examiner has rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over Brishka (3432798) in view of Thommen (4881912). The Examiner asserts that “Brishka, Fig. 1, discloses a coaxial connector comprising: a first section 48, 60 comprising: a body 60 comprising: a tubular portion disposed about a first axis, the tubular portion having an inner surface and an outer surface, the inner surface defining a first bore disposed about the first axis, and an angled portion 48 having an inner surface defining a second bore disposed about a second axis, the second axis intersecting the first axis; an insulating tube 14 disposed within the body and contacting the inner surface of the body, the insulating tube being disposed within the first bore and having an inner surface and an outer surface, the outer surface of the insulating tube contacting the inner surface of the tubular portion of the body; and a first inner terminal 10 disposed within the body, the inner terminal comprising a first portion 26 and a second portion 18, the first portion disposed within the first bore and contacting the inner surface of the tubular portion of the body, and the second portion disposed within the second bore; and a second section mated with the first section, the second section comprising: a tubular shell 27 disposed about the second axis and comprising an inner surface; a tubular insulator 37 disposed within and contacting the tubular shell; and a second inner terminal 19 disposed within and contacting the tubular insulator, the second inner terminal comprising a first portion 20 and a second portion 22; wherein the angled portion of the body matingly engages the tubular shell; and wherein the second portion of the first inner terminal releasably contacts the first portion of the second inner terminal. However, Brishka does not disclose unitary body of first section. Thommen et al., Fig. 1 and 2, discloses unitary body of first section 40. At the time the invention was made, it would have been obvious to a person of ordinary skill

Appl No.: 10/572198

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in the art to provide Thommen's et al. unitary designed first section for Brishka's connector to reduce penetration of aggressive environmental substances into internal area of connector." (Final Office Action, page 3).

Applicant submits that this rejection is traversed. In particular, Applicant submits that modification of Brishka to provide a unitary designed first section would render Brishka unsatisfactory for its intended purpose. As stated in the MPEP, "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)." (MPEP § 2143.01).

In describing his intended purpose, Brishka states:

The principal object of the present invention is to provide a right angle connector whose electrical properties approximate those of similar straight connectors through the same frequency excursions. These advantages are achieved by the use of a single contact and enclosing insulator bent at a 90° angle, and by *employing novel means to insure a constant inner to outer conductor distance ratio at all points around the 90° bend.*

This is achieved by filling the cavity around the bend with small conductive metallic particles.

(Brishka, col. 1, ll. 40-50 (emphasis added)). Brishka then teaches that the small metallic particles should be tightly packed and such can be achieved by containing the particles in a cavity that is closed by a closure plug:

Sleeve **48** is also internally threaded at its other end **52** to receive a closure plug **54** closing the cavity, between the sleeve **48** and the insulation **14**, which contains tightly packed metallic particles **55**.

(Brishka col. 2, ll. 30-34). Modification of Brishka to provide for a unitary body would require substitution of sleeve **48** and closure plug **54** with a single unitary piece, thereby rendering Brishka unsatisfactory for its intended purpose because there would then be no practical way to provide tightly packed metallic particles, which is disclosed as necessary for achieving the principal object of Brishka's invention. Accordingly, for at least this reason, there would be no motivation for a person having ordinary skill in the art to modify Brishka as suggested by the Examiner.

Appl No.: 10/572198

Response dated: June 26, 2008

Office Action dated: May 6, 2008

Moreover, a person having ordinary skill in the art would not look to Thommen et al. to modify the teachings of Brishka for at least the reason that Brishka teaches away from connectors in which two straight contacts are soldered together (Brishka, col. 1, ll. 30-40) whereas Thommen et al. teaches soldering straight conductive elements (Thommen et al., col. 2, ll. 50-54). In addition, Brishka teaches that a constant inner to outer conductor distance ratio around a 90° bend must be maintained at all times (Brishka, col. 1, ll. 43-48) whereas Thommen et al. teaches a non-constant inner to outer conductor distance ratio (see, e.g., Thommen et al. FIG. 1). In view of these differences, persons having ordinary skill in the art would not resort to Thommen et al. to modify the teachings of Brishka.

Thus, for at least these reasons, Applicant submits that claim 1 and all claims depending therefrom are patentable over the cited references. For similar reasons, Applicant submits that claim 17 and all claims depending therefrom are patentable over the cited references.

Regarding dependent claim 9, the Examiner asserts that “Brishka discloses all the limitations except the first inner terminal comprises a recess adapted to receive a first end of the second inner terminal. Thommen et al., fig. 1, discloses inner terminal 28 comprises a recess 28B adapted to receive a first end of the second inner terminal. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to provide Brishka’s inner terminal with Thommen’s et al. recess adapted to receive a first end of the second inner terminal to prove proper connection between first and second inner terminals.” (Final Office Action, page 4).

With respect to dependent claim 9, Applicant submits that persons having ordinary skill in the art would not be motivated to make the modification suggested by the Examiner for at least the reasons discussed above and for the additional reason that the modification suggested by the Examiner would not meet all of the recitation of the claim. In particular, Thommen et al., teaches that rectangular groove **28B** is provided to receive center conductor **16** of coaxial cable (see Thommen, col. 2, ll. 30-34; col. 3, ll. 55-56) and *not* a second inner terminal of a *connector*. Nowhere does Thommen et al. teach or suggest providing a recess in a first inner terminal that is adapted to receive a first end of a second inner terminal wherein both the first and second inner terminals

Appl No.: 10/572198

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are part of a connector. Therefore, the cited references, both alone and in combination, fail to teach or suggest all of the recitation of the claim.

The Examiner has rejected claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Brishka (3432798) and Thommen (4881912), as applied to claims 10 and 17 above, and further in view of Idehara (6283790). The Examiner asserts that “Brishka discloses all the limitations except no dielectric material surrounds the second end of the second inner terminal. Idehara et al., Fig. 16, discloses no dielectric material surrounds the second end 25c of the second inner terminal. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to implement Idehara’s et al. design with no dielectric material surrounds the second end of the second inner terminal for Brishka’s connector to make the structure simpler.” (Final Office Action, pages 6-7).

Applicants submit that this rejection is traversed for at least the reasons discussed above and for the additional reason that a person having ordinary skill in the art would not be motivated to combine the teachings of Idehara et al. with the teachings of Brishka and Thommen et al. in order to obtain the invention recited in claims 18 and 19. In particular, a person having ordinary skill in the art would not modify Brishka by removing dielectric material around contact of Brishka for at least the reason that Brishka explicitly teaches that insulative material should be present in the contact area (see, e.g., Brishka col. 2, ll. 13-17).

Applicants further submit that new claim 20 is patentable over the cited references. Claim 20 further recites that “the insulating tube does not contact the tubular insulator.” This recitation is neither taught nor suggested by Brishka or Thommen et al. To the contrary, Brishka teaches that “[o]ne end of [insulating] sleeve **37 abuts** against insulation **14 . . .**” (Brishka, col. 2, ll. 13-17 (emphasis added); see also Briska’s figure)). Similarly, Thommen et al. teaches that “[t]ubular insulator **41** lines the interior of tubular member **26** and is engaged with interior insulator **34** thereby **totally encapsulating** the hollow interior **30** and the passage into the hollow interior with electrical insulation.” (Thommen et al., col. 3, ll. 8-12 (emphasis added)).

Appl No.: 10/572198

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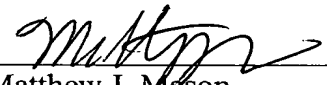
Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant believes that no extension of time is necessary to make this Reply timely. Should applicant be in error, applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Matthew J. Mason at 607-974-9993.

Respectfully submitted,

DATE: 6-26-08


Matthew J. Mason
Attorney for Assignee
Registration Number: 44,904
Corning Incorporated
SP-TI-03-1
Corning, NY 14831
Phone: 607-974-9993